

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

DISSEMINATION OF REPORT AND DRAFT BILL,

MUHORONI CONSTITUENCY, HELD AT CHEMELIL

ON

16TH OCTOBER 2002

**THE DISSEMINATION OF REPORT AND DRAFT BILL , MUHORONI CONSTITUENCY, HELD AT
CHEMELIL STADIUM ON 16th OCTOBER 2002**

Present:

Com. Phoebe Asiyo

Secretariat:

1. Daniel Konyango - Asst. P.O
2. Martina Odhiambo - Verbatim Recorder
3. Enos Okollo - District Coordinator

Members to represent the district at the National Constitution Conference:

1. Judith Achieng
2. Silphaus Onsuru
3. Joseph Otiang'

The meeting started at 10.00 pm with Com. Asiyo in the Chair.

Prayers: Mudkayo Ochieng': Wagoyo ni erokamano Nyasaye kuom odiechieng majaber mimiyowa kawuono tarik 16.10.2002. Nyasachwa ise konyowa kawawuoth kod gigo ma ngaw kawawuok ekuonde mopogore opogore, wagoyoni erokamano. Eri wadwaro bedo kae Nyasachwa, weche madwaro wacho modo wawach ka wamiyi duong' ka itelonwa maber nayaka watiek o Jehova kendo kikonyo jogo mabiro mondo ochopi wabiro duokoni erokamano. Kawachako kodi, Nyasachwa watiek kodi, wabiro duokoni erokamano kuom weche duto. Nikech wakwayi kuom Yesu Kristo Ruodhwa – Amin.

District Coordinator, Enos Okello: (In kiluo) Erouru kamano kuom biro un joma nitiere. Gimaduong ma watimo kawuono en ni wa-launch Draft Bill gi Report manitie kani. To okonyisi ni nyaka ji bi a bia mangeny, kata wan gi confusion kamano. The idea en ni mondo wanyis ji mondo omed somogo, nma nagt manigi paro manyein ma dawa meod kani to biro medo. Gima wabiro time jomanitie ka mathin, Commissioner Asiyo biro wacho modwaro wacho, ngat manigi penjo biro penjo, ngat manigi medo biro medo, kae jomodong wanyalo discuss godo Constituency Report mondo wane kaka ochalo. To wan gi time, between now and 26th, ngat madwaro medo gimoro nyalo medo. Indiko to ikelona, aketo e ofis kucha kata imiyo representative's magwa adek ma wango kani. Omiyo sani ka podka ahand over ne Commissioner adwaro ni mondo a intgroduce nu jima wango kae ma nyoch oyier e District. Wan kod mama Judith Achieng Nsm, to wan kod Elphannee Wambura, to kod David Tiang, ma most of you to koreo ongeyo. Koro ka unyalo tio umoso ji matin dakika matin. Mano bende kaka ochalo. Wachank kod mama Judith.

Judith Achieng: (in Kiluo) Nyinga en Judith Achieng, an anyar Alego Nyadhi Karuoth to Okenda Ahero, an chi Kakola. Nyocha oyiera tarik apar gabiriyo dew mokadho kaachiel kuom delegates' ma dhi to wan ji adek, weabiro dhi represent u

Nairobi, chakre dwe mabiro. Wageno ni wabiro time tich maber ka wa dhi kuro. Akia ni udwaro ni mondo awach kaka---- ageno ni wabiro dhi timo tich maber kawadhi kuro nogono. Kendo kaka wan ji adek gi abiroga duokonu wach. Ka nyororo wan Nyakach nyoro, nyoro gikwawa ni mondo e between you kdogi, maparoni kaka wan ji adekgi wabiro timokamano. Erokamano uru ahinya.

Joseph Atiang: (*In Kiluo*) Amosou ni misawa uru? Nyinga Joseph Atiang, an ja Nyakach. An ja Kadianga'a. an achiel kuom delegates ma nyocha ne oyier ma dhi represent you e National Constitution Conference. Kaka Mama Judith owachono ok apar ka an gi wach moro mopogore. Daher mana kwa u ni mondo kata ka waaka kawuono to umed somo Katiba, mondo unwang' ka nitire moko manyocha odong, kata nitie gik moko muneno ni onego ogol, kaate to ulink up kodwa kata District Coordinator mondo gidhi gidonjei bura mobedo Nairobi. Erouru kamano.

Wambura: (*In kiluo*) Amosu ni osasore uru? Iluona na Alforce Wambura, aja Nyakach, aa kamoro ni Sikoti Ramondo. Ok abimedo mange'ny to gima amedo singo en ni usom wach katiba manyien ni unge'e tiende to ungee ni ochalo nade, nikech un ema ubiro neno kaka Kaibano tiyo. Representatives ma wan go kae wadhi mondo wadhi hakikisha malo kucha ni weche moa piny oket kaka idwaro gi jopiny. To link bende kaka ne wan Nyakach, Muhoroni kae bende wabiro dwaro link. Ka nitie wachmoro midwaro mondo omed kata ogol to unyalo miyowa kata Coordinator. Mano aweu kamano. Ero kamano.

Com. Asiyu: Thank you very much those of you who have attended this meeting, we are starting late because I think the headquarters made some very bad mistake, in that they put in the papers and also announced that this meeting will be held at Muhoroni, I guess because it was Muhoroni Constituency. But those of you who are here, are people who can really help us to go and educate the rest of the people in this Constituency about the Draft Constitution so that everybody in the area will start discussing its provisions very very seriously so that by the time your representatives come to Nairobi for, not only their training but for the big Conference, the people on the ground will have really acquainted themselves with the provisions of this Draft and will have owned it by then. We know that whatever is in this document came from you. We have a report here that was written out at the headquarters, a report of what the people of Muhoroni told us. You will have noticed, those of you who have been reading this document that it has 20 chapters, and it covers everything that the people of Kenya told us. The reason why we have brought your report back is because the Act requires us to do so, and also there have been views expressed in the press, and elsewhere that some of the views expressed in this Draft document are foreign and were not made by Kenyans. That is why when we read the Muhoroni report, you should actually ask questions, see where you identify yourself with what you might have said or heard the people of this area say.

Koro document ni mangi pages 20 ni wadwaroni mondo kawase-lunch go kawuono and I am happy to launch here this morning, that you must read. There are three things you must do. You must read it, read it again and read it and understand it well. Nikech gima wango gi geno to nikech Kenya nepod ok olosoe Katiba margi giwegi, ma watiyogo sani ne olos gi jo British, osebedo amended I believe more than 38 times, and tindo ochal mana gi patchwork. Ka unge'yo patchwork ma mon

timo kata joma bawo lepgi nyaka kite lokre cha, ka gi ka koro ok chal. So for ten years, the people of Kenya have really worked to get a new Constitution put in place. Now that the Draft is ready, we need to entrench it in ourselves as the people of Kenya, and also own it as our own document.

If you look at the preamble which everybody said should be provided for in the new Draft; ubiro neno ka his Preamble wuoyo kuom jo Kenya. “we the people of Kenya, aware of our ethnic, cultural and religious diversities, and determined to live in peace and unity, as one individual sovereign Nation, committed to nurturing and protecting the well-being of the individual the family, and the community within our nation, recognizing the aspirations of our women and men for a government based on essential values of freedom, democracy, social justice and the rule of law. Exercising our sovereign and inalienable rights to determine the form of governance of our country and having fully participated in the Constitution-making process...” which all of you here have done, because you gave your views, “do adopt, enact, and give to ourselves, and to our future generation this Constitution. God bless Kenya.”

Gini onge ngama omiyowago, wamiyore kendwa wawegi kaka owach kanyo kendo en marwa makoro implementation of this new Constitution biro chakore gi nga'to owuon engimane kaka ochal. Nikech really if there is any time in this country's history that patriotism will be needed, it is now. We have lost most of our patriotic values, our moral values, and many other values have sort of evaporated from our communities, from ourselves as individuals, from our leaders and from everybody else across the board. Koro the preamble ni paronwa gima en to rights ma wango, to kendo ni wamiyore this Constitution wan wawegi, to kendo wadwaroni kawase miyorego, to wamiye thindwa kod nykwa nyikwawa ehigini mabirogo.

There are various Chapters ma adwaro nimondo usom bang'ka wasewinjore ema. Chapter one ubiro neno ka deal gi sovereignty of the people, to gi Supremacy of the Constitution, ma biro kata ngi'yo kata kaka defence of the Constitution nyalo bedo. Chapter 2 deals gi republi of Kenya, declaration mare gi territory mare. Ubiro neno ka wanidiko kanyo ma wanyisou kata aore gigode gichula gi kuonde dutote maniei pinyin, nikech chon, nyaka newabed indiependent nyaka sani pod ok wa describe in such details the territory of Kenya to gi kuonde ma that Kenya covers, ka ung'yo kidwa gi jo Uganda, ubiro neno kaochakore egimoro miluongoni ni Pyramid. Ekindwa gi jo Sudan, aore gi gode,m gi nembe meipiny, nyaka Ethiopia. Ekindwa go jo Somalia, Indian Ocean gi Tanganyika, wa nyiso gik moko te, ma koro ka nyg'ato biro maparoni ma gweng'gi, to ikone mana ni aa. What the Constitution says and those descriptions are what Kenya is made of ma ok inyal golo one inch of this nation ni itero kama chielo.

Waloso bende e values and the principles mag the new Constitution e Chapter three. E chapter four waloso korka citizenship madaherni usom ahinya, nikech nitie gimoro mawatimo kanyoero eweche mag Citizenship, nikech wakelo gima iluongoni ni dual citizenship, nikech ka nyocha wangiyo gikma ji owanchonwa waneneo ka jomathoth, yawuoyi gi nyiri, okendo kenod okend ooko. To nyithindgi chandore kobiyo ka, igologi ni gidogi nikech gin ok gin jopinyni. Ka pod ok gichpo higini apar gaboro maginyalo yieroe ka gibedo citizens or not. Waseneno kata nyithindo matindo, majohigini adek mane obiro gi minegi, ka visa

serumo to iriembe odok nyathi ma jahigini adek kende. Koro wawachoni ni dual citizenship inyalo chiw. To ei citizenship wasebedo gi very big problem, there is very bad corrupt practices. Omiyoi waketo Citizenship Registration Board, ma biro puodho weche te madok korka citizenship, ma kata kaidwaro bedo dual citizen, to nyaka ikadhie buo Board ni ma puonji chuth kapod ok ibedo.

E Chapter five wan gi the Bill of Rights, motingo' fundamental rights and freedoms, moting'o weche mag nyithindo, joma oti, joma mine, joma ongo'ol gi dignity margi, mawuoyo kuom kor ka access to information, freedom of association, political rights of our people, the labour relation, social security, health, education, housing, food, water, sanitation and—wa wacho niya ni gigi the wan gi the right to access. Ni nyaka wachiem ma wang' under the new provision ka luwore gi principles moket kanyo. Kaka wago about doing it biro bedo e Parliamentary Act mabiro guide wa gi chike matindo ma ok keth chike mag the Constitution. But the provisions and the principles have been made and they are here. There is nothing at all that has been left out. In fact this area gives almost every sector of society very very total protection even more than many countries.

Weche mag representation of the people chapter six. Waloso kuom Electoral System, kendo wawacho kanyo ni kura kigoyo to obedo simple, goye e debe ma transparent, to ikwane kanyo kanyo mogoyeno, mobbed tabulated, ma results nyis kanyo nikech kuondego ema rigging jowuokie, kaka ne unyisowa ni mondo watim.

Commission mar Electoral bende waloso ewachne, staff monego gibedgo, functions magi. Size maduong ahinya mawamiyogi sani en ni gin ema register political parties. Nikech kuma registration mag gikmoko timore, unge'yoika joyware. To bende ok gingeyo much about political parties, whereas the Electoral Commission knows about political parties, and they will be better suited to actually register the political parties and supervise them.

Wang'ni wamiyo kata political parties pesa mar sirikal. Omiyo nyaka bedgi ngat ma supervise ni to pesa ni gitiyogo nango'. Wanyiso kaka ginyalo tiyo gi pesa go, to gi percentage ma ginyalo tiyogo. Unge'yonika political parties ma Kenya ka ongi'yo gi handouts. Miyo nyithindo kiromogo e gweng' ka in ngat ma dwaro chung' kata nene isechung' ka an kama, nito mama iwewa nadi, iwewa manakama? Weche machal kamago nyaka rum edhoji completely koro esani, nikech wachko wuoth ma nyien, gi ngima mopogore. Mama iwewa kamano ok bi bede ma kichiwo to iin mana ngat ma bedo disqualified. Ok inyal chung' kendo. To bendo gigo osetamo jowa mabeyo ma professionals donjo e siasa. Koro siasa idwaro wene jopith kata jokwo. To mano piny opuodho, omiyo waketo chik motegno ahinya kanyo. Ento eadwaro ni ung'eeye maber nikech un te un e political parties ma ka uonge to wang'ni chunou betee, nikech nyaka u exercise your rights and responsibilities as citizens of this nation. You must go and vote. The problem with Kenyans is the rich drink on the voting day. They just celebrate in their houses they do not get out, ni oh ji nyalo gore kuno, Youth the idhikuodo wiu, jidhi goyo uuwi. This time everybody must take the responsibility and their duty to go and vote for his preferred candidate in his partry.

Weche mag jo Legislature bende walosoe maber, the next parliament, role of parliament, to gi approval of appointments by

parliament, ma chon president ema yande timo waduoko ne parliament, mondo otim approval. Kataka nying moko ose lieki, to parliament ema nyaka chiw the final approval. Parliament kanyo bende nigi yorene, kingiyo kata kor ka political parties, waketo ni ngato ma ok obedo nominated gi political party nitech ungeyo chandruok manie political parties. Kamoro ibende ji oheri kabisa, to wuon party ok oheri, to bende iidhie party machielo, idhiluongi ni andhoga ka thurwa ka. Koro watimo niya nitie independent candidate, maka ingeni iromo to ji oheri adier iewaro bdo Councillor to party ma ji ohero ekor gwengno odagi kawi to ing'eni inyalo yieri, to ichngo achunga, to iyieri ayiera. To ka idwaro chugo president, to ne party ok in go maber, mano bende wangeni emaothagowa mano kuma ne wadhieye nitech ne gineno ka gini dhi dojo mana dni to de othago piny. Koro inaylo chuyng' kaka president ma independent, provided ni iyudo one thousand votes nationally, to kendo ichako iyudo signatures eluf achie. Ichako iyudo signatures miay acheil e province ka province, to ichuga achunga ka in wuod piny adier to ae to ji gonimana ombulu. Thuolo wachiwe nitech wang'e chandruok ma osebede ka political parties tamo jomoko mabeuyo mondo kik chungi.

Composition of Parliament, ungeni wang'ni wadhi gi parliament ariyo in this proposed Bill, we do not know whether that will be passed or whether it will be rejected but going by what the people told us we have recommended membership of National Assembly, the National Council, machal ka Senate moro ma nene cha, to gi National Assembly. Nitech chuko checks and balances mar Bunge bende nyaka bedie. Wamiyo Bunge a lot of responsibilities ma ka onge Bunge machielo manie wigi matimonegi checks and balances, to nyalo bedo some excessive gik ma ginyalo timo ma ok di ber kobedoe. Waketo kata qualification gi disqualification of members. To bende wanyiso ni ka Member of Parliament siko desert gweng gi ok okony ji, ji ok nene, to ok ochyuno ni uchop kode higini abich, unyalo gole. Kaka inaylo gole process ne nika, ubiro somo mondo unee kaka chal.

Chapter mar Executive, wachiwo, tich president, jomoko nyocha koni wangni president onge gi tije mathoth. En gi a lot of tije ka ubiro somo kanyo ubiro neno. Prime Minister bende nigi tijege, to kendo jomagibiro appoint ka gibiro bedo appointed, duto te nikanyo.

Under that same Chapter, Nitiere Devolution of power. Objectives ne nikanyo, gi general principles mage. Ubiro neno functions to gi responsibilities mage kata gi wananchi bende. Chutho oduok piny mogik e village, wards ma sani waluongoni sub-location. Kanyo ema iditimee yiero midhi yiero jotelo manyalo bet kanyo. To wange'ni oknoyud thuolo ni iyiero nag'ama japesa ka ok onyisowa kama noyudoe pesano, eyo mane oyudego. Ka ne ojatich matek kendo olikore mar konyo piny adieri, e Council no iyiere. Allowances magi pod parliament biro puodho, to nyaka wachak korotich gi etiende eka piny nyalo lokoro mapiyo kaka wadwaro nimondo obedi. Nobodie bende of course e Location Council magi gi Location Administrator, ma bende ibiro mana ayiero ja location no. Ji ma thoth nonyisowa ni diber kawayiero chife marito piny, to kendo negikoni Mayor gidwaro ni oyier direct. Koro nitech sirikal okaweo thuolo cha ma ogolo Provincial Administration, odwokogi ka sirikal mondo omigi tich kucha, ka chife ma ekorgweng'gi eki oknyal ydo tich e sirikal maduon'g kucha to bende giromo bedo Location Administrators, to pod imiyogi amiya thuolo mondo gibed kanyo.

Ka Police waloso ahinya kendo wawacho kaka onego obedi. Gima iluongoni jela wagolo nyinge no oko nikech nying mar jelano ok ber, koro waluonge ni correction. Omiyo kaata mana Commissioner of Prisons, wabiro mana luongoni ni Director of Kenya Correctional Services. Aae to waketo Commissions mathoth mag Constitution. Nikech waluor ni ka ok waketo some of these commissions in place to piny pod nyalo mana chuanyore kendo, ka onge kaka ji direttore. For example waketo a Constitutional Commission ma biro bedo gi fewer Commissioners, to gima gibiro time en ngiyo ni gik mane wa-recommend e gini, gik mane uwachogi obedo implemented. E seche moko iwacho gigi to implementation chwe ma tamre. Moloyo ahinya nikech ungee ni wawachoni wng'ni jomoyier e bunge ok bed ministers. Lakini koseuiere e bunge, to odwaro bedo minister to onyalo appy as a professional. Nikech professionals wa, kama gidhie onge. Ok ginyal penetrate the Political System ma gi dhi gikony sirikalni loso policies mag rito piny. Omiy wamiyogi thuolo wang'ni monado gitim application to Prime Minister yierogi. To gi adhiya gibedo kamnyo kaka Ministers, gi dhi e parliament, giwinjo, giduoko penj ma jo Bunge openjogi, to jobunge to tiyo atiya tich bungeno kende. Kendo bende wawachoni nga'ma imiyo mshahara etich achiel, ok mi mshahara kamoro machelo. Ne ukonwani ni nitie ofise moko ma ngato en ka ni en Director of a Parastatal to kuchoi bneded ni end Permanent Secretary, tokucho be engi kamoro mchame e mshahara, kendo, wach madiwachie en one man one job, mondo tije opogre maber. To ekor gweng' kanyo tije biro bedee mathoth kendo mabeyo. Mak mana ni tich ma jopiny ma nyaka unyisgi sani nikech Constitution ni biro bedo in place very very soon, they must start to gear themselves towards change. Because we love to even change our mindsets the way we have been thinking and acting and the way that we have been holding certain dignitaries with such unnecessary dignity. Nikech ka ng'at obiro manyocha okwalo kata e ministry, to okelo egweng' shilling heluf mia achiel ni igerogodo skul, to koro ji chikore achika, gone mana uwi ni onga't malich mokalo, to mano to jakwo. Mondowaik jowa ochak ngi'yo ni ok wanya pako richo, ok wanya pako kwo, ok wanya pako jonek. Ok wanyal pako ja jendeke, ekor gweng'. Gin gi kargi ma dwaro correction, notimnegi correction.

To wawacho kama, ni life to nyaka bedi bang' State House. Ka ng'ato oa, to ber ka engi ngima machlgi ma nyoro olosne jaduong cha. Koro odhi oyueyo mos, obedo mos kanyo ma ok onyalo tungo piny kendo. Nikech e Africa gima osetimore, momiyo ber kata ka okel package any president ma weyo tich, presidents gi ka ng'ato oa to ok okowe maber, to odhi oiko jogege maneonge'yo e army kata e sirikal to gidhi e bungu to giduogo to gigoloji, sirikal maneoket no. Omiyo wadwaro ni jo Kenya otang' ne ange' mondo umigi yuelo mokwe maber, mondo kik thag gi. Jomoko osebedoka wach weche mag chulo kuor kata keloji e court. Adieri to biro chopo kamawanabedie biro chopo kama wanatimie repetition, mondo kata ka ngato nokawo muandu piny to ogolo oooko to koro Committee moseyier not bedo kode koni ooyo janam waneno ka gigi to iinyaloduokogi ne piny nikech negin mag piny, ne ok gin magi. Eyo ma muol ma ber mondo kik uwi uwuogie piny kata amen, nikech kochakore, lueny ungeni en muofu onyalo goyo ng'ato anga'ta. To jomawadwaro nimondo oduok gigogi, to nigo ndi. Koro nikech nyaka giduog gi wanayud yoma digiduogi go. Bunge biro loso Acts mag parliament mopogore opogore, mabiro chuno mondo gik maka mago otimre epiny.

Judiciary nyocha walosoe to uneno kaka gidhi kodwa. Nikech gikoni koro okwanyal loso ewachni to wan bende watimo chir

walosome alosa. Pok waneno ka gimakowa, to bende ka gimakowa to deber ka gimako the whole country, 31 million people. Wan ungeni waonge pachwa, un emanumiyowa paro, omiyo kagidwaro meko, to piny mangima. Wakii anee mondo wanee kama wachgino nogikie. To en gimarach ni ng'ama judge nyalo donjo ne piny to kendo dhi ngado bura ne piny, to en ng'ama nene oket etich kanyo. Weche mong'iswa kuom jomamoko moko richo moloyo kata mag judges. To bende most of the judges in this country are not corrupt people. There are only a few who have made things difficult for poor people especially like some people told us the poor no longer enjoy justice. Justice is only given to those who have, and those who can give. We deliberated on these things for a very long time and we decided it is not right. Koro weche mage pesa mag piny mosebedo ka lal alala ma ng'ato dhi to kata pesa moket mar piny, mosechan kaka onego oti to iwinjoni nga'to okawo ni yoo moro ne onego olos. For example thurwa kucha king'yo records mag serikal, Oyugis-Kendu road nose go-tarmac 1972. To yor no finde eka engi bugni malich mokadho. Koro kamane pesani odhiye inge'ni ok inyal penjo ng'ato, nikech chal modhi adhiya ire direct, to mago pes piny mathoth. Bende gigi emaogoyo pinyini piny. Koro wawacho niya, principles ma wa keto ka, to gi measures ma waketo, okawo pesa oketo kama mondo ichopie, nyaka iluar ka poka ichopo. An ang'ye kaka osiro paka ma mon keto mondo kik paka ang'keth chiemo cha kata nyithindo ochopie. Onge kama inyalo luoro michopie imul gino maok uyudi kapoka ichope nikech Bunge nyaka bedi involved, and very many other organizations and institutions nyaka b ed involved before you can reach and have access to pesa mag jopiny. Mwandu mag jopiny. To kendo bende berne, ni pesano owuok kucho moriere nyaka e District, to district ka ema udwaro yiero District Governor kata District Administrator, ngat malong'o mobidhore maber, makata ka nyndo ka to ongeyo angeya ni en ngatma dwaro chako campaign chare ekindwa gi lango' to nyaka god mesa malo. To ochako odoko yo aasi gini kucho. Akia ni giko Myndo dhi kanye. Wuoyino nigi tich ndi, nag'ma un uyierno. Kowuoyi kata odhako. To bende pokne bende nyaka miye maber kaka Bunge neo-suggest, wan bende wan gi recommendations mage. Mondo oti tich maler kendo madiera, mondo District Government o take charge of the destiny of the people in that district. In that law, and that is the fairest that it could have been. Mondo ji ochak ikore giwegi, to kendo kochopoe location, en the same, un koro uyudo directions from the districts kendo gi report to the district, location gi, to village bende kamano. Nitiere moro kae Provincial Council, ma wabiro dhi losoe kawachopo Nairobi. I have received divided opinions. Some people feel that the Provincial Council should be a stronger body and should have more representations from all the Districts elected by the people. This is what I was told in Ndhiwa, in Homa Bay, and also in Rachuonyo, the other day. Maybe when we go to the National Conference, if this comes up, the people of Kenya, the 600 or more people will decide. We will have 600 people or more deciding on the entire Draft, amending it in the way that the people want it to be amended. But between now and then, you have the time, please tell our people. Mondo giornwa gikmagidwaro mondo obed amended, direct to Nairobi. Hapu mer ni un gi Enos ka, ber ka umiye, nikech wang'eyo ni dhi chopo. Kuonde moko mawase kadhe tek ahinya tiyo gi joma watiyogo. Omiyo paromoro ma ungo manyien kaka muwnjoka group moro owacho, moloyo joning'. Paro manyalo kelo ber, oruru mapiyo ne Enos mondo waruak gi koponi ne repordni ok otingo'gi duto. Omiyo un gi tich matek mar somo gini te, mung'eye mutem uruak manyien moko ma uneno ka ok wandiko kaani, ma ok wanyal wachogi duto sani to almost everything that the people of Kenyan told has been captured in this Draft. If you are to make some amendments that will be considered by the National Conference to enrich the Draft that will be very good. And I want to thank you people for having worked with us and having helped to pass this important knowledge to our people. We appreciate that information is

power and our people need to know what the new dispensation is all about so that they can associate with it, so that we can own it, entrench it so that it can become their own creation and not the creation of anybody else. Erokamano uru Nyasaye obed kodu. Koro tomana ka nga'to nigi wach moro kata penj moreo maodwaro penjo to wanyalo goyo mbaka matin. To abiro weyo ne Enos thuolo, bange' ka koro wawuok mondo puonj odhi nyime chenro bende odhi nyime. Ka diponi diher nimondo waduog chieng' ma machielo ka pod ok wachopoe Conference, to wanyalo ringo. Anyalo penjo Professor Ogendo ka wan gi thuolo kode ka pod wan ka to in gi ji mawanyalo biro waneno, to wabiro abira wanenogi, kata wabiro to waloso mana gi dho luo, to koro puonjruok medo dhi nyime. Erokamano uru ahinya.

Charles Atiang': My names are Charles Atiang', I represent a political party in Muhoroni that is Ford People. We are glad for your being with us here today, to come and give us the final Draft of what we contributed here on the first day your team was here. I would propose that you adopt this report, and the fundamentals of what we contributed here, I would propose it and maybe others will second it.

There are other areas that I do not understand clearly, more so on the sugarcane. We proposed that the Sugar Act, the 2001 Kenya Sugar Act be enacted in the Constitution.

Two, we also proposed that the final Draft of the final Constitution should be provided in all languages in Kenya. I also saw another area that I felt is not coming so well whereby it is in the Constitution that Luos should be circumcised. I tend to see that will conflict with our culture.

Com. Asiyu: Is there something like---

Atiang': It is here.

Com. Asiyu: Mano ok en.

Atiang': Okay, that one we have agreed on that. So in the final Draft, the Sugar Act which is a supreme architect of us being in the Sugar Belt is not included, and we also tend to emphasize again much on the squatters, although it has come clear. I think with those few comments, thank you very much.

Com. Asiyu: Thank you very much for those comments. One, Agriculture is the mainstay of this nation. It has been dealt with very very well; it is not just sugar that has suffered. Coffee has really suffered. And even pyrethrum. Maybe tea is the only product that has survived the test of time. But we have provided. You know it will be very difficult for anybody to import sugar into this country. That Act will have to be revised and re-done again by Parliament, and I know that it is going to be a very different Act, from what our discussions revealed and from what the people, not only Muhoroni but other sugarcane growing areas even traders, have told us about the sugar industry. I think it is just going to be a revolution. Not everything

could have fitted into this Draft Constitution. In any case there are certain issues that can only be dealt with better by Act of Parliament. The Constitution simply raises the principles and leaves it to Parliament to enact with some recommendations, and that is what we have done.

That circumcision of men, it is not here. Maybe you do not even know that in Australia now they are suing people who circumcise boys because they say it is wrong. These things will keep changing, and people's traditions also change. The Luos are free to either circumcise or not circumcise. The Constitution can never even mention or deal with such an issue, even an Act of Parliament, which is a lower law, cannot tell people what to do and what not to do. That is wrong. It only appears in the report here but you know, people told us that when we came to Muhoroni, and I am glad you have found it because it is true, the people told us, it is in the report. That now confirms that we have recorded everything the way you told us when we were here. Thank you. Yes Sir.

Councillor Kopere Sibuur: I am Councillor Kopere Sibuur, I am the Chairman of Muhoroni Town Council, and maybe before I comment, I would like to second that we adopt the Draft Constitution which you have brought forth here. Mine will be very limited, that although you talked about the Devolution of powers here, if you could expand a bit so that we go home with a clear mind, how these Councils, like we suggested quite well that the power from the Central Government should come down to the village level. We have seen it being addressed here. But we seem to be confused between the Village Council, the Locational Government, and the district Government up to the Provincial Government. Maybe I would only ask that you expand a bit so that we go home with a clear mind to know how the new Constitution is going to take care of the Municipalities, the County Councils, and the Town Councils.

Com. Asiyu: Thank you Mr. Kopere, I will ask you to read that part of devolved government for us but I want to say this, that the Town Council, and Urban Council become Locational Government, except Nairobi City Council and other bigger municipalities but other cities are considered a district government. Does that help? But you can read it further and see how these people are elected. If you want to know more about the election of these people, but I think your difficulty is what happens to the Town Council, and the other Councils. If you read that passage, it tells you that they actually convert themselves into locational governments, except Nairobi and other cities become District Councils. Ingeyo un gi powers molooyo kata ma un go sani. Nikech un gi pesu moa directly from the exchequer, ubiro time all your planning kendo ubiro carry out all your activities. Ubiro ngi'yo ni ugero hospitande, ubiro time everything. It is much more than what you are doing now. En mana ni joma beyo emanyaka bed kanyo. Joma nyalo mulo mwandu jopiny, ok onego umigi thuolo mondo obed kanyo kata matin, nikech gisenego piny, piny ok tho diriyo. To nikech en gimabiro machiegni, damor ahiny a Councillor kiyudo thuolo to idhigoyo mbaka gijou e Council minyalo romogo, inyisgi kaka gini dhichalo mondo gichak ikore chon, maka gini chopo to gin ready to assume those responsibilities with a new vision and a new mission.

Isaac Kagia Obede: My names are Isaac Kagia Obede; I am the Town Clerk of Muhoroni Town Council. I think that one is

a bit clarified but there is one problem that when you look at the area of jurisdiction that a Town Council covers as at now, it is bigger than what you call administrative location boundary, and I think maybe it will be some snag when it comes to interpretation. You may have a location of course with no urban center at all, and that means that the services which of course should be offered by a Town Council or Urban Council or a municipality for that essence are not necessary in the field, it can be purely agricultural zone. I think these are the areas which should be looked at.

Again I am grateful you have mentioned one thing that the Constitution will only be defining of course just giving a point of direction and maybe the parliamentary Acts to take care of most of the things. I pray that this Constitution should offer that accommodation thoroughly, because if it will be so rigid, I can see that the parliamentary role will be stifled, and everything will be conflicting with the Constitution, and maybe there will be a bit of a problem. Also just as it has been mentioned we have bylaws, which this Councils operate from. Now that there is the funding and everything will be coming from Central, may be it is better that we have this clarification. You know there are Councils which do not have even qualified people even to work on bylaws. And then they end up not even getting the services, because services are related on the type of law put in place. You cannot enforce service if you do not have a law, and maybe if this one, let me say even using even AG's offices, if these laws will be worked on and then distributed because we know our country, and in any case, we can know that Muhoroni is an agricultural zone, maybe what type of bylaw. Then this thing should just be automatically be adopted and the Councils will just be functioning. I think that will assist.

Coming to cultural rights, I felt cultural rights should be well pronounced. Kenya is a conglomeration of nationalities and this one we are, for one I am not running away from it because somebody just discriminates upon you even your own normal physical features can reflect where you are coming from. Therefore, it should be justified and it should be mentioned that regional states should be in place to take care of these rights. We cannot be assuming, and this is my own understanding, and yet people are getting surprised, you say we are unitary, yes. But how many people will get access to the facilities through a unitary system? Better they are allowed to put their cultural rights and thinking in place so that they evolve, and maybe with time maybe they can catch up, they can make some amendments through evolution, and at least adjust. I think that is my view.

I think we will look into that, but provincial I think should turn into states, regional state governments rather than councils, because we have Village Councils, we have our locational Councils, we have got District Councils. I think for the sake of duplicity, and all roles enunciated; the role of the Public Servant seems not to have been well taken care of in this respect. I feel that in all these institutions we have public servants, people who are well trained, and enriched in knowledge and I think their welfare should be well taken care of and should be guaranteed----which have been created either to district level or at the locational level or at the provincial level. This will harmonize what I can call well-enriched human resource in terms of administration. Thank you.

Com. Asiyu: Your first question about boundaries, we have discussed Kenya's international boundaries at length, but we are

also establishing a Lands Commission that will deal with internal boundaries. So that will not be a problem. Again the cultural rights that you are referring to referred in the Bill of Rights, and it is very very extensive. I think a bit of it is reflected in the Preamble, where we are saying that we recognize the inspirations of our men and women for a government based on essential values of freedom and democracy and social justice and the rule of law. It is really covered. But then before that we had agreed with members that we are aware of our ethnic cultural religious diversities, but we are determined to live in peace and unity as one indivisible sovereign nation. In other words we are saying that we will not be divided as regions. Because we want to believe that we are one people although we acknowledge the diversities that I have just mentioned. But as nationals, we have to live together in peace as a nation.

Role of the public servants: We have agreed and recommended in this report, and I would like you to read it in the Draft Constitution that parliament will, this is perhaps one of the duties the new parliament will carry out, will enact a law that will set up these governments from the village to the national government.

Your other question was how these devolved governments will be put in place and how they will start functioning. One, as soon as the new parliament is put in place, one of the things that they will deal with, will be to legislate on the devolved government. We have given some principles here that they will go by. But they will make very very substantial rules, regulations, and organizations of this particular government in accordance with what the Draft Constitution now says, and that is what you will go by if you are in the Town Council, or the Urban Council. They will of course appreciate the boundaries of the Urban Councils, and Town Councils and those already what area is to be placed where. So that if you are mainly a sugar growing area, that is what you will be dealing with, and there is enough in sugar –belt that you will have to put in place in order to improve even the production of sugar. The payment of farmers in time. That will occupy the bulk of your time. Another location will be doing something else that is relevant to their situation in that particular location. So that nearly not every location or district will be doing the same things.

There are some areas in Kenya like for example in Kitui, I am sure most of those District Councils in Kitui, or Locations will be dealing with soil conservation. Just as I have areas like in Karachuonyo, will also be doing the same because environment is a very big problem. It is ignored, rivers are getting polluted. This lake in another few years you will not even want to wash in that lake, and we want all these devolved government to start acting in concert with all other governments around in the province to address the issues that concern the people most. So they will be different in as far as priorities for each government are. But at the Provincial level, if you read that passage, they come and converge at the provincial level. They compare notes and they build their capacities in order to go back and do even better in their districts.

To bende ber kobet kamano nikech gimatimore Nyamira jo Muhoroni okia, jo Nyando kia. Kagidhi room Kisumu e Province, to giyudo ni kara Nyamira gini nyocha oyudo pesa machal kama, to otiyo malich kama, to jo Nyando to pok otimo gimoro

koro gipuongjore. Nikech kamnor dhano bende joluo wachoni kapok ibilo chiemb dhako machielo mar meru ema iwweni emamit mogik. To kare mon tedo ooko mabeyo moloyo kata mamanino. Koro omiyo ber at that Provincial Level, ji ochopi mondo obed ka nyakla mondo o compare notes mondo planning otim ne the whole province kineno the role mar the Provincial Council you will appreciate the amount of work that they will do at that level. I know you are maybe even thinking of a Regional System of Government. This one is neither unitary nor Regional. It is unique to Kenya, and we all agree it is the best for this country. Because tribal animosities have really torn this country apart, and especially leaders have used tribal differences and knocked the heads of Kenyans and to uproot some of them, and get them out of balance, but is not going to work anymore. After all we have decided that we are going to open a new chapter, and live differently, and act differently the way we have done in the past. Does that answer your question? Yes.

Obede: Thank you. I think you have your level best you have answered most of the questions. But then I did not like to be at the experimental stage, I wanted people to be accepted the way they are. Because I have seen even in Kenya it is said any Kenyan can live anywhere but it is very difficult to apply this. You can try to go and settle somewhere but you find that still you will be removed, and you will not even enjoy that right. I wanted a law, which will stand.

I am a Public Administration student for that matter, and there is another issue here which I have looked at the Comparative Governments established worldwide, with particular attention to the ones falling under the Commonwealth. I have seen that the Westminster kind of Government, this one has got less problems, that is there can be destabilization but at the apex it lasts longer, and I can say okay the mother is Britain, then we have India, I have seen this one working. I have seen one which has a married approach like the one of the Pakistanis, it has never been stable, and my assumption when I am looking at the Constitution which you are recommending, that it has got a lot to do with the Pakistani's angle. That is we have a president, like the president appoints the Prime Minister, and the president is the Commander-in-Chief. There will be a conflict. And when there is a conflict, the Prime Minister who is not even the Commanding Chief will have a problem. I do not know how this one can be addressed, maybe you borrowed so much from the French. The French.... I do not know, I am just looking at this and seeing where it is matching,

Com. Asiyu: From the French, not from the Pakistanis?

Obede: So I am seeing the French system has never been well applied successfully in Africa. So I have a problem with that. I am very happy that the ministers that is whether it is borrowed from the US, I do not know, will now not be Members of Parliament. I am very happy, and I think this one will make the Ministers to be real professionals who will be conducting his duties professionally. And this one will also give room to parliamentarians to be censoring the performance of the minister. I think this one is well taken care of, but maybe for that other part only. I think everything here is in order, Madam Commissioner, and I think these are Kenyans and the Kenyans' wishes put before you and I think if we can have this one enacted sooner, or adopted and put into a law very soon, the better. Thank you.

Com. Asiyu: Thank you very much, you know we did not have to re-invent the wheel because we have the whole world and we are 22 different constitutions from around the world. We read those, but we were not guided by any one of them. We used the views of the people, and that is what is reflected in this Draft. This is not the final Draft, your three representatives are coming to Nairobi soon, and they will bring some of these views with them. I would like you to maybe write some of these views now, and give them to Mr. Enos so that we can deliberate upon them, in Nairobi.

The one country that we did not even think about so seriously the way you said is the French system. There is nothing in this Draft that reflects the French system. You might find here and there a reflection of other systems, and you cannot avoid this, because the world is very small, Constitutions of the world are really similar, especially in respect to governance, democracy, human rights, and so on.

Enos Okello: Adwaro mana medo penjo Kagia losoe, nitech osep;enja ni adiffere dwoko. Ka urban centers, town centers for purposes of devolution will be structured at location, what do we do with trading centers moko masani nitie, they are not urban centers, they are not town centres, to samoro kata ogoyo mpa gi locations kata adek. A place like Masogo mwalo ka, a place like Tamu, Katito, so there is a much more difficult thing. Those other areas---

Com. Asiyu: Nyaka piny noyud kama ruakogie. Bende Bunge kadhi loso chikni Bunge nyaka kaw map mar Kenya ma ket piny ma ngee ni to Sondu waruake Kanye, to Katitio to Warako kanye? Kata ka en urban center, en center ma duong' to en ebwo location, nyaka gini rike kamor mondo kik area moro amora dong ooko e sirikal ma devolved. To kik gibed too many nitech kakoro gin too many to mshahara mubiro miyogi bende onge. The bigger perhaps of the locations the better even for us.

It might even be necessary mondo locations moko manyien manyocha de okel mag Rivers, chakre dwe achiel ni koro gibed madongo. But that will depend on what the discussions in Nairobi will decide, and then, of course they will give guidance to parliament to go ahead, debate and enact that particular part, after the Constitution will have been adopted by the Conference and taken to Parliament for mere adoption or rejection. They cannot debate it at that level, they will just adopt it. And because all of them will be at the national Conference, every single one of them, so there will be no need to debate, they will have done all their debating at the National Conference. I think they will go ahead and adopt it, or if they so decide, reject it, but they cannot vote on it, or discuss it, after the National Conference will have adopted those recommendations. Any other comments?

Okay, erokamano uru ahinya, amor ni ungi thuolo kendo wagoyo mbaka maber, kro kwayona aa en ni mondo usom. Nitech gini oa mabor ma kayie nyalo nimo kachiegni gowo to di lit ndi. Ok onego yieni nim. Onego wadhi adhiya e Conference next week, to wapuodh gini gi jowate kajo Bunge bende pod nitie. You know it will not take time. If ony the president will give us just one more month, ma wadhi discuss e gini gi jowagi, to ae watere e Bunge juma achiel, to gi adopt go, to ji dhiadhia e yiero.

Ok en gimatek, en gima nyalore. To un bende duondu ber ka owuok e wachno mondo wayud kaka watimo. So far everywhere we have been people have told us we want to go for elections under the new Constitution, and I know it is

